



CTIA

Building The Wireless Future™

Cellular Telecommunications & Internet Association

March 31, 2004

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Re: *Ex Parte Presentation*
Nationwide Programmatic Agreement Regarding the Section 106 National
Historic Preservation Act Review Process— WT Docket No. 03-128

Dear Ms. Dortch:

On March 4, 2004, the Cellular Telecommunications & Internet Association ("CTIA") filed the attached *ex parte* presentation with the Commission via the Electronic Comment Filing System ("ECFS"). Due to a clerical error, however, the *ex parte* presentation was filed in WT Docket No. 03-123, rather than in the above-captioned docket. Through this letter, CTIA hereby respectfully requests that the attached *ex parte* presentation be withdrawn from WT Docket No. 03-123, and placed in WT Docket No. 03-128.

Thank you in advance for your assistance with this request. Should you have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,

Christopher R. Day
Staff Counsel





CTIA

Building the Wireless Future
Cellular Telecommunications & Internet Association

March 4, 2004

Via Electronic Submission

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of Ex Parte Communication
Nationwide Programmatic Agreement Regarding the
Section 106 National Historic Preservation Act Review
Process – WT Docket No. 03-123

Dear Ms. Dortch:

On Thursday, March 4, 2004, Andrea Williams, Assistant General Counsel of the Cellular Telecommunications & Internet Association ("CTIA"), sent the following e-mail with its attachments to Jeffrey Steinberg, Deputy Chief, Spectrum and Competition Policy Division, FCC's Wireless Telecommunications Bureau in regard to the above-referenced proceeding.

Pursuant to Section 1.1206 of the Commission's rules, this letter, the e-mail, and the attachment are being electronically filed with your office.

Sincerely,

Andrea D. Williams
Assistant General Counsel

Attachment



Andrea Williams

From: Andrea Williams
Sent: Thursday, March 04, 2004 10:45 AM
To: Nancy Schamu (E-mail); Charlene Vaughn (E-mail)
Cc: 'jsteinbe@fcc.gov'; Andrea Williams; Diane Cornell
Subject: Proposed Language for Industrial & Commercial Areas Categorical Exclusions

Importance: High



Industrial &
Commercial Area

Dear Nancy & Charlene:

Attached for your review and consideration is CTIA's proposed language for the industrial and commercial area categorical exclusions. I appreciate your willingness to revisit this issue and seriously consider the proposed language. Charlene, I hope you have received the detailed voice mail message that I left for you indicating that I would provide proposed language in response to ACHP's invitation to consider industry's view on the rights of way and industrial/commercial areas categorical exclusions.

You will find that the language is similar to Sprint's proposal re: ROW corridors, except it also addresses those circumstances in which a government may not have officially designated industrial and commercial areas for siting communications towers, but the areas are so clustered with industrial and commercial buildings and structures, e.g., shopping mall, industrial plants, etc., that a tower or antenna would not have a significant adverse effect.

Please give me a call after you have had an opportunity to review so that we can discuss. You can reach me on my cellphone at (202) 255-6810.

Thanks again!

Best regards,

Andrea
Andrea D. Williams
Assistant General Counsel
Cellular Telecommunications & Internet Association
(202) 736-3215 (voice) (202) 785-8203 (facsimile)
awilliams@ctia.org

Industrial & Commercial Areas: State Historic Preservation Officer consultation is not required for Facilities that are constructed within _____ feet of an industrial or commercial area designated by a government for the location of communications towers or if not designated by a government, an area in which similar industrial or commercial buildings or structures are clustered whether or not such area has been officially designated as an industrial or commercial area, provided:

1. The proposed Facility is not substantially larger than already existing structures in the industrial or commercial area. (Substantially larger will track the definition of "substantial increase" as defined in the Collocation Agreement)
2. The proposed Facility does not rest on a portion of the industrial or commercial area that crosses an historic property or is within an historic district.

Tribal consultation is still required for Facilities that are constructed within ____ feet of an industrial or commercial area as defined above

Andrea Williams

From: Jeffrey Steinberg [Jeffrey.Steinberg@fcc.gov]
To: Andrea Williams
Sent: Thursday, March 04, 2004 10:47 AM
Subject: Read: Proposed Language for Industrial & Commercial Areas Categorical Exclusions

Your message

To: Jeffrey.Steinberg@fcc.gov
Subject:

was read on 3/4/2004 10:47 AM.